



Entered on Docket
October 13, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Rob Charles (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FOURTH
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM BASED,
IN WHOLE OR IN PART, UPON
INVESTMENT IN THE LA HACIENDA
ESTATE, LLC LOAN**

Hearing Date: October 5, 2009
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Fourth Omnibus Objection of USACM Trust to
2 Proofs of Claim Based, In Whole or in Part, Upon Investment in the La Hacienda Estate,
3 LLC Loan” [Docket No. 7312] (the “Objection”); with appropriate notice of the Objection
4 having been given; no response to the Objection having been filed; and good cause
5 appearing:

6 **IT IS HEREBY ORDERED:**

- 7 1. The Objection is sustained;
- 8 2. The claims listed in **Exhibit A** are disallowed to the extent those
9 claims are based upon a Direct Lender Investment in La Hacienda
10 Estate, LLC Loan; and.
- 11 3. To the extent the claims listed on **Exhibit A** are based upon
12 investments in loans other than the La Hacienda Estate, LLC Loan,
13 this order does not affect them and the USACM Trust may file further
14 objections.

15
16 PREPARED AND RESPECTFULLY SUBMITTED BY:

17
18 **LEWIS AND ROCA LLP**

19 By /s/ Marvin Ruth (#10979)
20 Rob Charles
21 John Hinderaker (*pro hac vice*)
22 Marvin Ruth
23 3993 Howard Hughes Parkway, Ste. 600
24 Las Vegas, Nevada 89169-5996
25 Telephone: (702) 949-8200
26 Facsimile: (702) 949-8398
Attorneys for USACM Liquidating Trust

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ Marvin Ruth (#10979)
 Rob Charles
 John Hinderaker (*pro hac vice*)
 Marvin Ruth
Attorneys for USACM Liquidating Trust

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the La Hacienda Estate, LLC Loan
10725-02298	Jayem Family Lp Jacques Massa Gp	7 Paradise Valley CT Henderson, NV 89052-6706	936,807.81	100,000.00
10725-02382	Essaff Family Trust Dtd 6/18/02	Robert & Cindy H Essaff Tees 2860 Heybourne Rd Minden, NV 89423	3,198,368.02	130,000.00
10726-00067	Douchet, D. Joseph	Trustee Of Douchet Trust 3301 Skyline Blvd. Reno, NV 89509-6604	502,335.71	x

EXHIBIT A